

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.
W. A. DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE STATE OF
OKLAHOMA and OKLAHOMA SECRETARY
OF THE ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiff,

vs.

05-CV-0329 GKF-SAJ

TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Defendants.

**RESPONSES OF DEFENDANT, PETERSON FARMS, INC.
TO STATE OF OKLAHOMA'S SEPTEMBER 13, 2007
SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION**

Defendant, Peterson Farms, Inc. ("Peterson Farms"), submits the following Responses to State of Oklahoma's September 13, 2007 Set of Interrogatories and Requests for Production to All Defendants, pursuant to Federal Rules of Civil Procedure 26, 33 and 34.

GENERAL OBJECTIONS:

1. Peterson Farms objects to, and does not agree to subject itself to, the arbitrary and extraordinary "definitions and instructions" described by the Plaintiffs to certain terms as set forth in their September 13, 2007 Set of Interrogatories and Requests for Production propounded to All Defendants. To the extent that such terms appear in the Interrogatories and Requests for

Production and are in excess of the requirements of the Federal Rules of Civil Procedure, Peterson Farms instead ascribes the ordinary, every day and reasonably, commonly understood meanings which apply to such terms, and also which comply with the Federal Rules of Civil Procedure. Peterson Farms objects to the definitions to the extent they assume facts not in evidence or related to facts or contentions in dispute in the action. Peterson Farms also specifically objects to the following definitions:

- a. The definition of "You" is overly broad in that it encompasses Peterson Farms' attorneys, consultants and investigators, and as such, Plaintiffs' interrogatories and requests employing the term invade Peterson Farms' privileges against disclosure, including the attorney-client communication privilege; the attorney work product and trial preparation doctrines; and the common interest and joint defense privileges. Peterson Farms does not interpret "You" to include the independent poultry growers who contract with Peterson Farms. To the extent Plaintiffs' definition is intended to reach the contract poultry growers, Peterson Farms objects as such definition would assume factual and legal issues in dispute, which are solely for determination by the Court and the finder of fact.
- b. The definition of "Poultry Waste" is overly broad, inconsistent with the terminology set forth in the statutes and regulations governing poultry growing operations in the Illinois River Watershed ("IRW"), and includes substances not typically associated with poultry litter. Peterson Farms acknowledges that the Court overruled a similar objection Peterson Farms asserted in response to Plaintiffs' April 20, 2007 set of Requests to Admit at the hearing held on September 28, 2007. Accordingly, Peterson Farms asserts this objection for the purpose of preserving its objections for the record;

however, the following answers and responses are not limited as a consequence of this objection.

c. The definition of "Waters of the State" is misleading, overly broad, vague and ambiguous. Peterson Farms objects to this definition as it seeks to categorize privately-owned and localized waters as "waters of the State," which is unsupported by law. Peterson Farms also objects to the definition as it seeks for Peterson Farms, as a predicate to its responses, to admit factual and legal matters, which are in dispute in the lawsuit. Peterson Farms acknowledges that the Court overruled a similar objection Peterson Farms asserted in response to Plaintiffs' April 20, 2007 set of Requests to Admit at the hearing held on September 28, 2007. Accordingly, Peterson Farms asserts this objection for the purpose of preserving its objections for the record; however, the following answers and responses are not limited as a consequence of this objection.

d. Peterson Farms objects to Plaintiffs' definition of "Documents" to the extent it demands production of all electronically stored information in native format. Peterson Farms previously proposed to produce its e-mail in .tiff format accompanied by searchable text files and load files similar to the proposal submitted by the Cargill Defendants. Plaintiffs agreed to accept this format, and this represents the method through which Peterson Farms has and continues to utilize for its current ESI production. Numerous categories of information, such as Grower Flock Settlement Reports, Feed Delivery Tickets, and Chick Placement and Kill Schedules, have already been produced and supplemented in .pdf format in response to Plaintiffs' requests extending back for more than a year in this litigation without objection from Plaintiffs, and Peterson Farms

objects to re-producing this information in a different format in excess of what the federal rules require.

g. Peterson Farms has set forth its objections to the aforementioned definitions based upon the fact that said definitions assume facts not in evidence, or presume factual and legal issues in controversy, and responds to the Plaintiffs' requests without waiver thereof.

2. Each of the following responses are made subject to and without waiving any objections Peterson Farms may have with respect to the subsequent use of these responses or the documents identified pursuant thereto, and Peterson Farms specifically reserves: (a) all questions as to the privilege, relevancy, materiality, and admissibility of said responses or documents; (b) the right to object to the uses of said responses or the documents identified pursuant thereto in any lawsuit or proceeding on any or all of the foregoing grounds or on any other proper ground; (c) the right to object on any and all proper grounds, at any time, to other discovery procedures involving or related to said responses or documents; and (d) the right, at any time, upon proper showing, to revise, correct or clarify any of the following responses.

3. Peterson Farms objects to each and every interrogatory and request to the extent it seeks or calls for information or the identification of documents which are protected from discovery and privileged by reason of: (a) the attorney-client communication privilege; (b) the "work product" doctrine; (c) the "trial preparation" doctrine; (d) the joint defense or "co-party" privilege; or (e) any other applicable discovery rule or privilege. To the extent Peterson Farms withholds or claims any protection from discovery from any document, Peterson Farms will produce logs of such documents as required by the federal and local rules as the document production progresses.

4. Peterson Farms objects to each and every interrogatory and request to the extent it seeks information or the identification of documents concerning any claims or occurrences other than the claims and occurrences set forth in Plaintiffs' Second Amended Complaint for which Plaintiffs request relief.

5. Peterson Farms objects to each interrogatory and request to the extent it seeks or relates to information or the identification of documents which are available to the public, and thus, equally available to Plaintiffs. Subject to and without waiving the foregoing objection, Peterson Farms will produce any public documents within its possession which are either responsive to Plaintiffs' requests, or are within the scope of production described in the following responses. Additionally, Peterson Farms has identified numerous public documents in its Initial Disclosures, and to the extent they are within Peterson Farms' possession, they either have been or will be produced.

6. Peterson Farms objects to each interrogatory and request to the extent it seeks or relates to information or the identification of documents, which are protected as confidential business information, and proprietary and confidential trade secrets.

7. Peterson Farms objects to each and every interrogatory and request that seeks information of documents pertaining to operations, events, occurrences and/or conditions within the IRW for any time period prior to June 13, 2000 based upon the Court's ruling that five (5) years is the limit of reasonable and relevant discovery pertaining to this aspect of Plaintiffs' claims.

8. Peterson Farms also incorporates as though fully restated herein all objections and limitations to responses made by every other Defendant to the corresponding interrogatories and requests for production.

9. The foregoing objections apply to each and every response herein. By specifically incorporating individual General Objections in any response, Peterson Farms expressly does not waive the application of the remainder of the General Objections to such response.

10. When the following responses state that Peterson Farms will produce certain documents, or that responsive documents will be produced for a certain time period, Peterson Farms is not assuring that in fact such documents for the entire time period have been located or identified for production.

Subject to these objections and subject to any additional objections set forth hereinafter, Peterson Farms responds to Plaintiffs' September 13, 2007 Set of Interrogatories and Requests for Production to All Defendants, as follows:

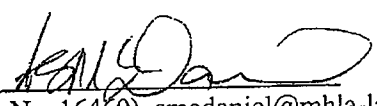
Interrogatories

Interrogatory No. 1: Do you contend that since 1980 no poultry waste (including any constituents thereof) that was generated at your own poultry growing / feeding operations and/or poultry growing / feeding operations under contract with you and that was applied to land within the Illinois River Watershed has run-off / been released / been discharged, directly or indirectly, to the Waters of the State in the Illinois River Watershed? If you do not so contend, please describe with specificity (a) the constituents that have run-off / been released / been discharged, (b) when and how you first became aware that such constituents were running off / being released / being discharged, (c) the parcels of land from which such run-off / releases / discharges have occurred, (d) any efforts by you to quantify the amount of the constituents that have run-off / been released / have been discharged and the results of those efforts, (e) any efforts to characterize and/or quantify the environmental and/or human health effects of such

applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off / release / discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment.

Response: Peterson Farms objects to this request to the extent it seeks the disclosure of information protected from discovery and specifically incorporates its General Objection No. 3. Subject to and without waiving the foregoing objection and its General Objections, Peterson Farms states that all non-privileged documents responsive to this request have been previously produced in response to prior requests.

Respectfully submitted,

By /s/ A. Scott McDaniel 
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COUNSEL FOR DEFENDANT
PETERSON FARMS, INC.

EXHIBIT F

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 05-CV-329-GKF-SAJ
)	
TYSON FOODS, INC., et al,)	
)	
Defendants.)	

**CARGILL TURKEY PRODUCTION, LLC'S RESPONSE
TO STATE OF OKLAHOMA'S
MARCH 2, 2007 SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION TO CARGILL TURKEY PRODUCTION, LLC**

GENERAL OBJECTIONS

A. Definitions: Cargill Turkey Production, LLC objects to certain of the words and phrases used by Plaintiffs in its interrogatories and requests for production as overbroad and unduly burdensome. Such objection includes, but is not limited to, Plaintiffs' definition of "Cargill Turkey Production, LLC," "You" and "Your" to include "attorneys" and "insurance carriers." Whenever Plaintiffs use the phrases "Cargill Turkey Production, LLC," "You" or "Your," Cargill Turkey Production, LLC will interpret the phrases to refer only to the named defendant, Cargill Turkey Production, LLC, its employees, agents, and divisions. Cargill Turkey Production, LLC also objects to Plaintiffs' definition of "documents and materials" to the extent that Plaintiffs' definition is inconsistent with the definition of "documents" set forth in Rule 34(a) of the Federal Rules of Civil Procedure.

B. Privileges: Cargill Turkey Production, LLC objects to Plaintiffs' interrogatories and requests for production as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that it seeks to invade information or documents protected by the attorney-client, work product, self-evaluative, or joint defense privileges. Cargill Turkey Production, LLC specifically objects to the production of documents or information in the possession of or obtained from non-testifying consultants or experts who have been specifically retained to assist counsel for Cargill Turkey Production, LLC with the defense of this litigation as subject to these privileges. Cargill Turkey Production, LLC will continue to provide privilege logs in accordance with LCVR 26.4 as necessary.

C. Scope; date range: Cargill Turkey Production, LLC objects to the absence of any reasonable limit to the date range in certain of these document requests as overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Such objection includes but is not limited to the facts that, as currently phrased, Plaintiffs' document requests purport to seek information or documents prior to 2002, which Cargill Turkey Production, LLC understands to be the earliest time period allowed by the statutes of limitation applicable to Plaintiffs' claims.

D. Option to Produce Documents: Pursuant to Federal Rule of Civil Procedure 33(d), Cargill Turkey Production, LLC further objects to these interrogatories to the extent that they require Cargill Turkey Production, LLC to distill and summarize information contained in documents, the burden of which would be no greater to the Plaintiffs than it would be to Cargill Turkey Production, LLC. To the extent information can be fairly gleaned by the Plaintiffs through document production, Cargill Turkey Production, LLC may exercise the option to produce documents in lieu of responding otherwise to the interrogatory. Cargill Turkey Production, LLC further objects to these document requests to the extent that they purport to require Cargill Turkey Production, LLC to produce documents in any particular format. Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, Cargill Turkey will use its discretion in producing responsive, non-privileged documents either (1) as they are kept in the usual course of business or (2) organized and labeled to correspond with the categories in these requests.

E. No waiver of objection or admissibility: In responding to these interrogatories and requests for documents, Cargill Turkey Production, LLC is asked for and supplies information regarding the existence and location of various documents or other information. In responding to this inquiry, Cargill Turkey Production, LLC is not waiving future objections to either production in discovery or admissibility at trial of any document or information supplied or referred to in discovery.

F. Continuing discovery: In responding to these interrogatories and requests for production, Cargill Turkey Production, LLC has supplied all information and documents known to it at this time after a reasonable inquiry. However, discovery is continuing. Should future discovery reveal any further information or documents as to the matters at issue herein, Cargill Turkey Production, LLC will supplement its answers as necessary in accordance with the Federal Rules of Civil Procedure.

Without waiving the foregoing objections, but hereby incorporating each of them by reference in the specific answers as if fully set forth therein, and subject thereto, Cargill Turkey Production, LLC further states and alleges as follows:

B. Interrogatories

Interrogatory No. 1: Please set forth all facts, describe all evidence and identify all documents that underlie or that you contend support the following assertion by you in

Respectfully submitted,

RHODES, HIERONYMUS, JONES,
TUCKER & GABLE, PLLC

BY: 

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COLIN H. TUCKER, OBA #16325
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And

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ATTORNEYS FOR CARGILL, INC. AND CARGILL TURKEY
PRODUCTION LLC

EXHIBIT G

relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed, including but not limited to any annual, monthly and special reports.

Response:

None.

Request for Production No. 4: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries that you have provided to Agri Stats, Inc. (or any of its affiliates) that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

Response:

None.

Request for Production No. 5: To the extent you have not already produced them, please produce copies of all documents, reports, data and/or summaries, including source materials and supporting data, that you have provided to the U.S.D.A. that relate, directly or indirectly and in whole or in part, to your, any of your contract growers', any other defendants', or any other defendants' contract growers' poultry operations or facilities that are located in whole or in part in the Illinois River Watershed.

Response:

None.

Request for Production No. 6: To the extent you have not already produced them, please produce copies of all drafts/versions/editions of the "Poultry Water Quality Handbook" in your

possession, as well as all documents referring or relating to the "Poultry Water Quality Handbook" or the creation of the "Poultry Water Quality Handbook."

Response:

None.

Request for Production No. 7: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Poultry Water Quality Consortium.

Response:

None.

Request for Production No. 8: To the extent you have not already produced them, please produce any lists or catalogues of published treatises, periodicals, pamphlets, books and articles (including title, author, publisher, and date of publication) in your possession, custody or control that address (a) the land application of poultry waste (or any constituents thereof), (b) the run-off/release/discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off/release/discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment.

Response:

Most documents responsive to this request have already been produced. Additional documents responsive to this request will be produced.

Request for Production No. 9: To the extent you have not already produced them, please produce copies of all reports, disclosures, impact statements, assessments or similar materials pertaining to (a) the land application of poultry waste (or any constituents thereof), (b) the run-off/release/discharge of poultry waste (or any constituents thereof) from land on which it has been

applied to the environment, and/or (c) the environmental and/or human health effects or dangers of the run-off/release/discharge of poultry waste (or any constituents thereof) from land on which it has been applied to the environment that you received from, turned over to, or exchanged with any buyer or seller of a poultry growing/feeding operation or received, turned over, exchanged or generated in connection with the sale or purchase of any poultry growing/feeding operation.

Response:

Documents responsive to this request will be produced.

Request for Production No. 10: To the extent you have not already produced them, please produce copies of any documents reflecting any direct or indirect ownership interest that you have or have had in the past 25 years in any entity that raises/feed poultry or owns poultry in the Illinois River Watershed, as well as copies of documents relating to the nature of the interest in any such entities, any other owners of any such entities, the management structure and composition of any such entities, the date when the interest in any such entities began and (if applicable) when such interests terminated, if such interests terminated the reasons they terminated and what became of the interests, and the number of birds raised/fed annually in the IRW by any such entities.

Response:

Documents responsive to this request will be produced.

Request for Production No. 11: To the extent you have not already produced them, please produce copies of documents reflecting your financial statements for fiscal years 2002 to the present, as well as any other documents reflecting your net worth for fiscal years 2002 to the present. For purposes of this request for production, the term "financial statement" includes, but is not necessarily limited to, balance sheets, statements of income, statements of equity position, statements of cash flow, and all footnotes.

Response:

Objection. This request is overbroad and oppressive. Cal-Maine Foods, Inc. is a publicly owned corporation. Financial statements and net-worth statements are matters of public record and are easily accessible by the plaintiff.

Request for Production No. 12: To the extent you have not already produced them, please produce copies of all documents referring or relating to poultry waste generated at your own poultry growing/feeding operations and/or poultry growing/feeding operations under contract with you in the Illinois River Watershed that has been transported out of the Illinois River Watershed (including but not limited to documents referring or relating to the identity of each operation that generated the poultry waste, the amounts of poultry waste that were transported out, where the poultry waste was transported to, who transported the poultry waste out, and who paid for the transport out).

Response:

None.

Request for Production No. 13: To the extent you have not already produced them, please produce copies of all documents listed on your Rule 26(a) disclosure in this case.

Response:

Those documents have already been produced.

Request for Production No. 14: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Animal and Poultry Waste Management Center at North Carolina State University.

Response:

None.

Request for Production No. 15: To the extent you have not already produced them, please produce copies of all documents referring or relating to any surveys/audits/reports of poultry growing/feeding operations owned by you or under contract with you in the Illinois River Watershed that concern or collected information about (a) the amount of poultry waste generated at such operations and/or (b) the disposition of poultry waste generated at such operations.

Response:

None.

Request for Production No. 16: To the extent you have not already produced them, please produce copies of all correspondence between you and your contract poultry growers in the Illinois River Watershed that concern (a) how many poultry houses the poultry growing/feeding operation has/had in operation, (b) how much poultry waste is/was being produced annually (or for a particular time period) per house or per growing/feeding operation, (c) the disposition of the poultry waste generated at the poultry growing/feeding operation, (d) the costs associated with handling/disposing of poultry waste generated at the poultry growing/feeding operation, and/or (e) any preferences of the poultry grower regarding the disposition of the poultry waste generated at the poultry growing/feeding operation.

Response:

Cal-Maine Foods, Inc. has already produced all documents it has regarding its former contract producers in the IRW. To the extent documents responsive to this request exist, such documents have already been produced.

Request for Production No. 17: To the extent you have not already produced them, please produce copies of all documents reflecting or referring to your earliest, as well as all subsequent, communications with your contract growers in the Illinois River Watershed about (a) best

management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off/release/discharge of poultry waste that has been land-applied.

Response:

Cal-Maine Foods, Inc. has already produced all documents it has regarding its former contract producers in the IRW. To the extent documents responsive to this request exist, such documents have already been produced.

Request for Production No. 18: To the extent you have not already produced them, please produce copies of your earliest communications with employees at your company-owned and company-managed poultry growing/feeding operations in the Illinois River Watershed about (a) best management practices, (b) waste management plans, (c) nutrient management plans, and (d) any concerns about the adverse environmental impact of the run-off/release/discharge of poultry waste that has been land-applied.

Response:

Cal-Maine Foods, Inc. has already produced all documents it has regarding its former contract producers in the IRW. To the extent documents responsive to this request exist, such documents have already been produced.

Request for Production No. 19: To the extent you have not already produced them, please produce copies of all documents referring or relating to NCC/US Poultry CAFO Questionnaire, including but not limited to copies of the Questionnaire itself, all completed Questionnaires, all responses to the Questionnaire by you or your contract growers located in the Illinois River Watershed and all reports, analyses or compilations of such Questionnaire responses.

Response:

None.

Request for Production No. 20: To the extent you have not already produced them, please produce copies of all documents referring to or relating to any progress reports to the Arkansas Department of Pollution Control and Ecology and Arkansas Soil and Water conservation Commission for assessment of the progress and success of the Best Management Practices Program. By way of example, but without limitation, this request includes but is not limited to progress reports resulting from the "Environmental Agreement" one or more of the Tyson Defendants entered into in or about 1992 with contract growers in the Illinois River Watershed.

Response:

None.

Request for Production No. 21: To the extent you have not already produced them, please produce copies of all documents referring or relating to any mapping, imaging or depiction of land application of poultry waste, of phosphorus levels, of nitrogen levels and/or of nutrient levels in the Illinois River Watershed, including but not limited to any thermal imaging, aerial photography, satellite imagery, electromagnetic conductivity, or other mapping or imaging technologies.

Response:

None.

ADDITIONAL REQUESTS TO CAL-MAINE

Request for Production No. 22: To the extent you have not already produced them, please produce copies of all documents obtained or reviewed regarding your acquisition of real and/or personal property interests in commercial egg or poultry growing/feeding/production facilities within the Illinois River Watershed from George's Inc. and/or George's Farms, Inc. for Benton County Foods, LLC, including but not limited to documents referring or relating to due diligence

reviews or examinations, environmental reviews, surveys or inspections, soil tests, poultry barn capacity, egg/poultry production figures, poultry waste production figures, poultry waste disposal methods and practices, and contracts or agreements with and identities of third party vendors used for poultry waste disposal.

Response:

Objection. This request is overbroad and oppressive to the extent it seeks "all" documents.

Documents regarding the environmental aspect of the due diligence inquiry will be produced. Documents regarding handling of chicken manure from Benton County Foods, LLC will also be produced.

Request for Production No. 23: To the extent you have not already produced them, please produce copies of all documents referring or relating to the Cal-Maine Defendants' role in the management or operations of Benton County Foods, Inc.

Response:

Objection. This request is overbroad and oppressive to the extent it seeks "all" documents.

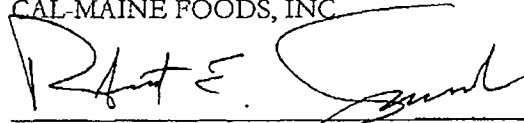
Documents demonstrating the management relationship between Cal-Maine Foods, Inc. and Benton County Foods, Inc. will be produced.

Dated: October 29, 2007

Respectfully submitted,

CAL-MAINE FOODS, INC

by:



Robert E. Sanders, *pro hac vice*

E. Stephen Williams, *pro hac vice*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of October, 2007, I electronically transmitted the foregoing document to the following:

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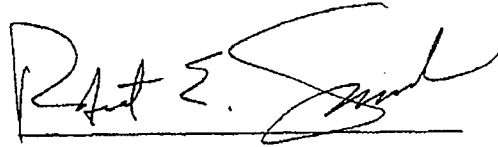
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A handwritten signature in dark ink, appearing to read "Charles Moulton", written over a horizontal line.